

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS DANIELS,

Petitioner,

-against-

SUPERINTENDENT WILLIAM BROWN,
Eastern Correctional Facility,

Respondent.

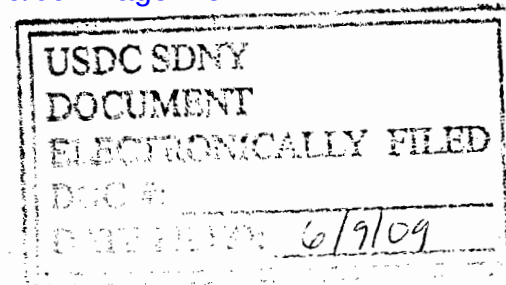
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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the January 16, 2009 Report and Recommendation of United States Magistrate Judge James C. Francis IV. The Parties have not filed objections.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, see Rule 72, Fed. R. Civ. P., Notes of Advisory Committee on Rules (citing Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir.), cert. denied, 419 U.S. 879 (1974)), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge James C. Francis IV dated January 16, 2009 be and the same hereby is approved, adopted, and ratified by the Court;

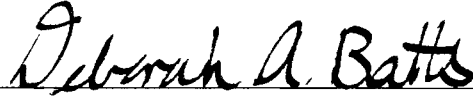


2. The application by Mr. Daniels for a writ of habeas corpus is denied and the petition of Mr. Daniels is dismissed;

3. The Clerk of the Court is directed to close the docket in this matter.

SO ORDERED.

Dated: New York, New York
June 9, 2009

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts
United States District Judge